

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	<b>CRIMINAL ACTION</b>
	)	<b>NO. 11-MJ-6060-LTS</b>
RICHARD VIGEANT,	)	
Defendant,	)	
	)	

**ORDER ON DEFENDANT’S COMPETENCY TO STAND TRIAL**

**October 18, 2011**

**SOROKIN, M.J.**

The Court hereby finds, by a preponderance of the evidence, that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The Court makes this finding, after a hearing held on October 14, 2011, and based upon the unobjected to report from the Bureau of Prisons evaluator which the Court credits, the positions of the United States and defense counsel that the Court should find the standard satisfied in this case, and the defendant’s demeanor and statements both at the hearing and at previous hearings in this case.

WHEREFORE, in accordance with 18 U.S.C. § 4241(d), the Court hereby commits the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility:

(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward; and

(2) for an additional reasonable period of time until –

(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the proceedings to go forward; or

(B) the pending charges against him are disposed of according to law; whichever is earlier.

The Court further orders the Bureau of Prisons to provide a report, within sixty days of entry of this Order, regarding (1) whether a substantial probability exists that in the foreseeable future the defendant will attain the capacity to permit the proceedings to go forward, and (2) if so, an approximation of the anticipated period required to enable the defendant to attain the capacity to permit the proceedings to go forward. It is further ordered that the period of delay resulting from the hospitalization of the defendant for the purposes described above and any subsequent judicial proceedings to determine the defendant's competency shall be excluded from the computation of deadlines under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A).

#### **RIGHT OF APPEAL**

The parties are hereby advised that, under the provisions of Federal Rule of Criminal Procedure 59, any party who objects to this order may file an objection with the Clerk of this Court within 14 days of the party's receipt of this Order.

/S/ Leo T. Sorokin  
LEO T. SOROKIN  
MAGISTRATE JUDGE